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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,213	09/21/2001	Uwe Dingert	22750/500	5156

26646 7590 07/02/2003

KENYON & KENYON  
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NEW YORK, NY 10004

EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
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1744

6

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/960,213

Applicant(s)

DINGERT, UWE

Examiner

Laura C Cole

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-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cleaning element (claims 1 and 2), the mop (claim 12), mop bucket (claims 8 and 12), and feed funnel (claim 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate "deformable wall parts" (Page 6 Line 28), "spring element" (Page 6 Lines 34-35; Page 7 Line 13; Page 7 Line 19) and a "spring tongue" (Page 7 Line 3). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 recites the limitation "the exertion of pressure" in Claim 1, Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the inside width" in Claim 1, Line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the effective force" in Claim 1, Line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the form of" in Claim 1, Lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the compression force" in Claim 1, Line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the purpose" in Claim 1, Line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the term "tulip-shaped" in Line 3, which is unclear.

Claim 8 recites the limitation "the rim" in Claim 8, Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the lateral surface parts" in Claim 9, Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the direction" in Claim 10, Line 2. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the term "tulip-shaped" in Line 7, which is unclear.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 6-8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kober, USPN 2,155,494.

Kober discloses a wringing device for cleaning wet mops (Page 1, Column 2, Line 33) having a liquid-permeable receptacle that can be affixed to a container (Page 1, Column 1, Lines 28-30), a cleaning element is wrung out by the exertion of pressure (Page 1 Column 1 Line 54 to Page 1 Column 2 Line 2), the receptacle having deformable wall parts (Page 1 Column 2 Lines 33-43) and the width of the receptacle changing when the element is pressed due to the force in pressure (Page 1 Column 1 Lines 43-47; Page 1 Column 2 Lines 33-43), wherein the wall parts are in the form of spring elements (Figures 1-2 (9); Page 1 Column 1 Lines 43-47) with convex curvature (when wrung is in a curved shape), which can be deformed by the compression force for the purpose of enlarging the inside width (Page 1 Column 1 Lines 43-47). The receptacle has a bottom (left side of Figure 2 with opening (12)) connected to a mounting frame (Figure 2 (1) and (2)) by supports (Figure 2 (3)), an upper end of each spring element (Figures 1-2 (9)) being joined to the mounting frame (joined by screws Figure 2 (11)) and a lower end of each spring element being joined at the bottom (joined

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to (3) which encircles the bottom opening (12)). The supports are rigid (Page 1 Column 1 Lines 22-24) and the spring elements are designed to be flexible (Page 1 Column 1 Lines 4-11). The bottom has openings (Figure 2 (8) and (12)). Holding lugs are located on the mounting frame in order to affix the receptacle to a mop bucket (Page 1 Column 1 Lines 28-30). The spring elements and surface parts are arranged radially around the bottom with interspacing (Figure 1).

6. Claims 1-5, 7, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Weihrauch, EP 0 489 237. (see translation in English)

Weihrauch discloses a wringing device having a liquid permeable receptacle (Figure 1 (3), Figure 2 (20)) that can be affixed to a container (Figure 1, frame (2) supports the receptacle on the bucket (1), Figure 2 (21)), and in which a cleaning element can be wrung out by the exertion of pressure ((translation) Page 8 Lines 19-21), the receptacle having deformable wall parts (Figure 1 (4), Figure 2 (23), Page 8 Lines 2-3), the inside width changing when the cleaning element is pressed in (Page 8 Lines 15-17), and wherein the wall parts are in the form of spring elements (Page 5 Lines 4-9, "spring" as in they are elastic, flexible material and return to its initial position after wringing) with convex curvature (Figure 1, Figure 2) which can be deformed by the compression force (Page 8 Lines 13-19). The curvature is reduced by compressing the cleaning element (see direction arrows shown in Figures 1-2). The spring elements form a funnel-shaped or "basket-shaped" receptacle (Figures 1-2 (3) or (20)). The receptacle has a bottom connected to a mounting frame by supports (wherein the supports are the spring elements (4) and the bottom is (5)). The receptacle is a polymer

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material (Page 8 Lines 8-11). The bottom may have openings (Figure 3 (26)). The spring elements are arranged radially around the bottom with an interspacing between each of the elements (Figures 1 and 4). The spring elements in the direction of their extension have a different cross section (Figure 1 center element (4)). A feed funnel is located at the opening of the squeeze basket (Figure 2, the receptacle is funnel shaped and the opening acts as a feed funnel.)

### ***Double Patenting***

7. Claim 11 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 19 and 20 of copending Application No. 10/052676. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,540,112 to Hirse discloses a wringer basket for mops that is able to be affixed to a container, is convexly curved so as to exert a high lateral compression force on a mop, is made from one piece of plastic material, the bottom has openings, and there are water permeable slits formed within. The filing date of this application is *after* the filing date of the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-



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7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8772 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

LCC

LCC

June 26, 2003

*Robert J. Warden, Sr.*

ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
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